

October 28, 2002

CAL No. NRR-02-001

Dr. J. Michael Rowe, Director
NIST Center for Neutron Research
National Institute of Standards
and Technology
U. S. Department of Commerce
100 Bureau Drive
Gaithersburg, MD 20899

SUBJECT: CONFIRMATORY ACTION LETTER - NIST SITE-SPECIFIC INTERIM
COMPENSATORY MEASURES IMPLEMENTATION PLAN

Dear Dr. Rowe:

By letter dated June 21, 2002, Mr. William D. Beckner of my staff initiated a process to address interim compensatory measures (ICMs) related to security and safeguards at your facility. Mr. Beckner's letter requested that you develop a site-specific ICM implementation plan. In accordance with that letter, you have transmitted your final site-specific ICM implementation plan dated September 24, 2002.

Pursuant to telephone conversations between you and Mr. Patrick M. Madden, Chief of the Research and Test Reactors Section, on September 24 and October 22, 2002, it is our understanding that you have taken or will take the actions as specified in your final site-specific ICM implementation plan. In addition, as agreed in the October 22 telephone conversation, a change to your final site-specific ICM implementation plan is made as follows. In the last sentence of II.B.1.a, the words "a gate" are changed to "the NIST fence."

Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to:

- 1) Notify me immediately if your understanding differs from that set forth above;
- 2) Notify me if, for any reason, you cannot complete the actions within the specified schedule and advise me, in writing, of your modified schedule in advance of the change; and
- 3) Notify me, in writing, when you have completed the actions addressed in this Confirmatory Action Letter.

Issuance of this confirmatory action letter does not preclude issuance of an order formalizing the commitments you have made in your final site-specific ICM implementation plan or requiring other actions. In addition, failure to take the actions addressed in this confirmatory action letter may result in enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, and any response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

To the extent possible, any correspondence between you and the NRC relating to your response to this CAL should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. Due to the direct relationship of the ICMs, which the NRC has classified as unclassified-sensitive information exempted from public disclosure under the provisions of 10 CFR 73.21 (safeguards information), your site-specific ICM implementation plan is considered safeguards information and, thus, is not authorized for public release. If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. The use of non-sensitive cover letters to transmit safeguards information as a separate enclosure is encouraged.

Sincerely,

/RA/

David B. Matthews, Director
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 50-184

License No. TR-5

cc: Please see next page plus

Fred Sears, Penn State
Mike Slaughter, TRTR Chairman, University of Utah

National Institute of Standards
and Technology

Docket No. 50-184

cc:

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Fred Sears, Penn State
Mike Slaughter, TRTR Chairman, University of Utah

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